

APPEAL NO. 041571  
FILED AUGUST 23, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 3, 2004. The hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, does not include disc desiccation at L3-4 through L5-S1 or spondylosis, but the compensable injury of \_\_\_\_\_, is a producing cause of the claimant's low back condition since September 11, 1997. The determination that the compensable injury does not include disc desiccation or spondylosis has not been appealed and has become final. Section 410.169.

The appellant (carrier) appeals, basically arguing that the claimant's compensable 1992 injury was just a strain/sprain which has long since resolved and that the claimant's current condition is either the result of degenerative changes or due to one or more intervening motor vehicle accident's (MVA). The file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable (low back) injury on \_\_\_\_\_. The claimant testified, and the hearing officer found, that the claimant never completely recovered from the symptoms of the 1992 injury and that the claimant continues to have reoccurrences on an intermittent basis. The hearing officer also notes that the claimant was given a 10% permanent whole person impairment rating for the 1992 injury. We would also note that Section 408.021 provides for all health care reasonably required by the compensable injury as and when needed. The hearing officer also found that the MVA of 1994 (or September 1997) was not the sole cause of the claimant's ongoing, intermittent back pain.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **BIRMINGHAM FIRE INSURANCE COMPANY OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Edward Vilano  
Appeals Judge